



# Town of Mesilla, New Mexico

## PZHAC WORKSHOP & MEETING AGENDA SEPTEMBER 21, 2020

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION VIA TELECONFERENCE ON MONDAY, SEPTEMBER 21, 2020 AT 2:30 P.M. TO JOIN THE MEETING BY PHONE DIAL 1-346-248-7799, THEN ENTER Meeting ID 603-754-4231 PASSWORD 193857.**

- A. Submitted by Samantha Simpson for Nancy Clayshulte; a request to discuss plans to install a fence along the east side of a pecan grove on the property located at 1850 Avenida de Mesilla (Case 061046). Zoned: Historic Commercial (HC)
- The applicant was present by zoom to discuss the request and answer any questions that might arise. Staff provided a brief review of this request, including the fact that this case had been postponed by the PZHAC at the May 18 and August 17, 2020 PZHAC meetings in order to allow the applicant to present further information, including a survey of the property showing the proposed location of the fence, as well as descriptions of the type of fence to be installed that would be more suitable for a property at the entry way into Town. Several styles of fences were discussed including wood and wire, but the applicant stated that the problem with the fences being suggested was that they would not be suitable for pecan farming because they would not be able to resist either the perpetual wetness caused by irrigation, or the vibration and potential damage caused by pecan harvesting. The only type of fence that would be suitable would be a typical agricultural fence of metal and wire or sheep fencing. The applicant also stated that the fence was needed primarily for security purposes, especially during the pecan harvest season. There were no other issues.*
- B. Submitted by Michael R. Taylor; a request to discuss plans to enclose a front porch on a dwelling at 2341 Calle de Arroyo (Case 061110). Zoned: Historic Commercial
- The applicant was present by zoom to discuss the request and answer any questions that might arise. Staff provided a brief review of this request, including the fact that the subject dwelling is in the National Register of Historic places and is one of a set of buildings that are considered to be "...architecturally outstanding and important in the history of the community...". Issues discussed included the fact that the proposed enclosure would close off a bedroom from the exterior of the structure, eliminating a required exterior egress for the bedroom, and that the porch itself was installed on the dwelling in the 1970's. The applicant stated that he had spoken with Thomas Maese of CID and agreed to remove an internal door separating the bedroom from the porch, thereby making the bedroom and the enclosed porch one room and eliminating the egress problem. Another point of discussion was the fact that the proposed enclosure would change the exterior appearance of the historic structure, even though it would be finished to match the remainder of the structure. There were no other issues.*
- C. Submitted by Indalencio Prieto and Ladene Vance; a request to adjust the lot lines of three properties to eliminate one lot line and combine a portion of an existing lot at 2200 West Union Avenue containing pecan trees with a neighboring lot containing pecan trees (Case 061123). Zoned: Rural/Agricultural (RF)
- The applicants, including Commissioner Prieto as a representative for Indalencio Prieto, were present by zoom to discuss the request and answer any questions that might arise. Staff provided a brief review of this request, including the fact that the Vances own two lots that contain a pecan grove on one, and a dwelling and pecan grove on the other. Staff explained that the Vances would like to combine the two properties and split of the pecan groves from the dwelling. The pecan groves would then be sold to the Prietos. The main issues discussed were the fact that the resulting parcel to the north would not have access and would therefore be landlocked, and that the new lot line created to the north of the existing dwelling might violate the rear setbacks for the dwelling. Mr. Prieto pointed out that an existing 20 foot farming easement along the west edge of the Prieto property could be extended to the landlocked property. He also pointed out that the proposed property line near the dwelling was adjusted in the latest survey to address the setback issue. There were no other issues.*

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A REGULAR MEETING VIA TELECONFERENCE ON MONDAY, SEPTEMBER 21, 2020 AT 3:00 P.M. **TO JOIN THE MEETING BY PHONE DIAL 1-346-248-7799, THEN ENTER Meeting ID 603-754-4231 PASSWORD 193857.**

## I. PLEDGE OF ALLEGIANCE

## II. ROLL CALL AND DETERMINATION OF A QUORUM

*All Commissioners were present. There was a quorum.*

*Others in attendance by "Zoom" or by phone were: Larry Shannon (staff), Mayor Barraza, Nancy Clayshulte, Samantha Simpson (Nancy's daughter and tenant), Michael Taylor, Gilbert Madrid, Richard Moreno, Gabe Quintana, Tom Maese (CID), and Susan Krueger. The regular meeting was convened at 3:03 pm.*

## III. CHANGES/APPROVAL OF THE AGENDA

*There were no changes to the Agenda. A motion to approve the Agenda was made by Commissioner Prieto, seconded by Commissioner Lucero, and approved by a vote of 5 - 0.*

## IV. \*ACCEPTANCE OF THE CONSENT AGENDA

*Note: Items on the agenda indicated by an asterisk (\*) are on the consent agenda and will be voted on with one motion unless a Commissioner requests that a specific item be removed for discussion.*

*There were no changes to the Consent Agenda. A motion to approve the Consent Agenda was made by Commissioner Nevarez, seconded by Commission Chair Prieto, and approved by a vote of 5 - 0.*

### A. \*PZHAC MINUTES – PZHAC Workshop and Meeting of September 8, 2020.

*Approved as part of the Consent Agenda*

### B. \*ADMINISTRATIVE APPROVALS

#### Zoning Permit:

1. **Case 061113** – 2958 La Mesilla Circle, submitted by Robert Hamilton; a request for a zoning permit to repair a rock wall at this address. Zoned: Residential, one-acre (R- 1)

*Approved as part of the Consent Agenda*

2. **Case 061114** – 2958 La Mesilla Circle, submitted by Robert Hamilton; a request for a zoning permit to reroof a dwelling at this address. Zoned: Residential, one-acre (R- 1)

*Approved as part of the Consent Agenda*

3. **Case 061115** – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request for a zoning permit to repair and repaint the stucco on a commercial structure at this address to match the original color of the structure. Zoned: Historic Commercial (HC)

*Approved as part of the Consent Agenda*

4. **Case 061116** - 2185 Calle de Guadalupe, submitted by Richard Moreno; a request for a zoning permit to allow the internal renovation and reroofing of a dwelling at this address. Zoned: Historic Residential (HR)

*Approved as part of the Consent Agenda*

5. **Case 061117** – 2600 Avenida de Mesilla, submitted by Velia Chavez for Palacios Bar; a request for a zoning permit to repair a deteriorating floor in a commercial structure at this address. Zoned: Historic Commercial (HC)

*Approved as part of the Consent Agenda*

## V. PZHAC NEW BUSINESS:

### A. PUBLIC INPUT ON CASES

**Public input shall be received at [larrys@mesillanm.gov](mailto:larrys@mesillanm.gov) at least one hour prior to the meeting and will be read into the record. You will also be given an opportunity to speak during this time by joining the meeting by phone and pressing \*9 while in the teleconference. This will let the host know that you wish to speak. You will be prompted by the host or the Commission Chair when to begin speaking.**

*Staff stated that one e-mail had been received from Susan Krueger, resident. Staff read the e-mail for inclusion into the record. (A copy of the e-mail is attached at the end of these minutes.)*

*Gilbert Madrid, Original owner of property to be subdivided in Case 0611 (by phone)  
Stated that there was a covenant on the property that restricted the development of the property, and that the proposed subdivision violated the restriction. (See attached deed at the end of these minutes.)*

## **B. DECISIONS:**

### **Zoning Permits:**

1. **Case 061046** – 1850 Avenida de Mesilla, submitted by Samantha Simpson for Nancy Clayshulte; a request for a zoning permit to install a farm fence along the east side of a pecan grove on this property, Zoned: Historic Residential (HR) **(This case was postponed at the May 18 and the August 17, 2020 PZHAC meetings, and discussed during the work session.)**  
*Staff provided a brief review of this request, explaining that this case was heard during the Work Session. Although the PZHAC and the applicant could not agree on a fence that would be both suitable from an architectural standpoint of the PZHAC and sturdy enough to be used as an agricultural fence, it was agreed on by the PZHAC that a fence was definitely needed for security purposes, and that further postponement of the request while a suitable compromise was found could result in no fence being in place for harvesting season. To address this, it was determined that the fence requested by the applicant (sheep fence on metal stakes) would be allowed on a temporary basis until March 2021, at which time it would be removed and possibly be replaced by a more suitable fence approved by the PZHAC and the BOT. A motion was made by Commissioner Nevarez and seconded by Commissioner Houston to recommend approval of the request to the BOT, and the request was APPROVED by a vote of 5 – 0 with the following CONDITION:*
  - a. *The subject fence will be removed or be replaced by an approved fence by March 21, 2021.*
2. **Case 061110** –2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC) **(This case was discussed during the work session.)**  
*Staff provided a brief review of this request, explaining that this case was heard during the Work Session. The main issue discussed was whether the proposed enclosure of the porch would negatively affect the Historic and architectural aspect of the structure. There was concern that this would create a substantial change to the appearance of the structure. Commission Chair Lucero suggested the applicant obtain approval from the State Historic Preservation Office (SHPO) approving the proposed enclosure prior to a zoning permit being issued by Mesilla. A motion was made by Commissioner Prieto and seconded by Commissioner Nevarez to recommend approval of the request to the BOT, and the motion failed by a vote of 2 – 3 (Commissioners Prieto and Houston for and Commission Chair Lucero and Commissioners Nevarez and Salas against), therefore the request was DENIED based on the belief that the proposed alteration would change the historic and architectural character of the structure.*
3. **Case 061118** – 2900 Avenida de Mesilla Suite A, submitted by Jerry Grandle for Austy, LLC; a request for a zoning permit to allow a temporary patio expansion at the “Spotted Dog Brewery” to be made permanent. Zoned: General Commercial (C)  
*Staff provided a brief review of this request, explaining that the applicant had obtained permission for a temporary expansion of his outdoor patio from Mesilla and the State due to the Covid pandemic, and that he would now like to make the expansion permanent. The main issue addressed was whether the expansion would affect his requirement for ADA parking. There were no other issues. The PZHAC determined that proposed expansion of the service area would not be out of character with the Code and a motion was made by Commissioner Nevarez and seconded by Commissioner Salas to recommend approval the request to the BOT. The request was APPROVED by a vote of 5 – 0 with the following CONDITION:*
  - a. *Any additional ADA parking requirements resulting from the expansion will need to be met.*
4. **Case 061119** – 2149 Calle de Los Huertos, submitted by Gabrielle Quintana; a request for a zoning permit to allow the construction of covered porches over the front and rear entry landings on a dwelling at this address. Zoned: Historic Residential (HR)  
*The applicant was present by phone if any questions arose. Staff provided a brief review of this request, explaining that the applicant would like to construct porches over the two entrances to the dwelling to protect the entrances from the weather and the fact that the dwelling was built in 1999 and therefor was not in the Historical Register for the Town. There were no issues. A motion was made by Commissioner Nevarez and seconded by Commissioner Salas to recommend approval of the request to the BOT and the request was APPROVED by a vote of 5 – 0.*

5. **Case 061120** – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request for a zoning permit to allow sections of fencing to be installed around a commercial property at this address for security reasons. Zoned: Historic Commercial (HC)  
*Commissioner Prieto acted as the representative for the applicant was present if any questions arose. Staff provided a brief review of this request, explaining that the applicant would like to construct a fence around the exterior of the property for security reasons, and that the fence would be constructed in two styles, including corrugated metal and sheep fence and wood. Issues that were discussed included the fact that the property was on Avenida de Mesilla and that the proposed fence could be seen from the street, and the question as to whether either type of fence was in the development zone for the property. Further discussion included the fact that the existing wall along the street would remain, and that parking for the property would be on an adjacent parcel with two ADA spaces and a crusher fine walking surface to the subject parcel. There were no other issues. The PZHAC determined that although there is a need for the type of fencing proposed for security purposes, there does not appear to be anything similar in the Historic Commercial zoning district, therefore Commissioner Nevarez made a motion to recommend approval of the request to the BOT, This was seconded by Commissioner Houston, and APPROVED BY A VOTE OF 4 – 0 (Commissioner Prieto recused himself from voting) as a temporary fence with the following CONDITION:*
- a. *The subject fences will be allowed as long as the applicant is in business.*
6. **Case 061121** – 2185 Calle de Guadalupe, submitted by Richard Moreno; a request for a zoning permit to allow the replacement of all six windows on a dwelling at this address. Zoned: Historic Residential (HR)  
*The applicant was present by phone if any questions arose. Staff provided a brief review of this request, explaining that the applicant would like to replace all six windows on the dwelling with windows that would be very similar in appearance to the windows being replaced. The applicant stated that the window frames would be brown, and that the windows would be set in the wall to match the existing windows. The PZHAC determined that there were no issues with the proposed request provided tht CID egress requirements would be met for any bedroom windows, and that the dwelling would not be out of character with the Town. A motion was made by Commissioner Houston and seconded by Commissioner Salas to recommend approval of the request to the BOT. The request was APPROVED by a vote of 5 – 0 with the following CONDITIONS:*
- a. *The windows will need to meet CID requirements for egress.*
  - b. *The applicant will choose one of the grill patterns in the window brochure supplied by the applicant with the application.*

#### **Summary Subdivisions**

7. **Case 061112** – 2569 Calle del Oeste, submitted by David T. Coyle and Judy K. Yarasheski; a request for a Summary Subdivision to split a 0.55 acre parcel into two 0.275 acre lots. Zoned: Historic Residential (HR)  
*One of the applicants, Judy Yarasheski, was present by phone if any questions arose. Staff provided a brief review of this request, explaining that the applicants would like to split the property in half, with both halves having over 80 feet of frontage on Calle del Oeste. All utilities would be available from Calle del Oeste, and each lot will be over 8000 square feet on size. The main issue discussed was the deed restriction presented by Gilbert Madrid, and the fact that the PZHAC does not have the authority to act solely on the deed restriction. Commissioner Lucero stated that the PZHAC was not reacting to the deed restriction, but that the restriction was an indication of how the local residents felt the area should develop. There were no other issues with the proposed request. A motion was made by Commissioner Prieto and seconded by Commissioner Salas to recommend approval of the request to the BOT. The vote was 0 – 5 for approval and the motion failed. The request was DENIED based on the determination that the lot split would not be in the best interest of the local area.*
8. **Case 061123** – Properties at and adjacent to 2200 West Union Avenue, submitted by Indalencio Prieto and Ladene Vance; a request for a summary subdivision to adjust the lot lines of three properties to eliminate one lot and to combine part of a lot with a neighboring lot. Zoned: Rural/Agricultural (RA) (**This case was discussed during the work session.**)  
*The applicants, including Commissioner Prieto as a representative for Indalencio Prieto, were present by zoom to answer any questions that might arise. Staff provided a brief review of this request, explaining that this case was heard during the Work Session. The issue of access to the landlocked parcel was discussed further, and it was determined that the request should be postponed in order to enable the*

*applicants to address the access issue with staff. Commissioner Salas made a motion to postpone the request, seconded by Commissioner Nevarez, and the case was POSTPONED by a vote of 4 – 0 (Commissioner Prieto recused himself from voting.)*

#### **Business Permit**

9. **Permit 0856** – 2230 Avenida de Mesilla, submitted by Joshua Prieto for “Merch de Mesilla”; a request for a business license to allow the applicant to operate a commercial retail operation at this location selling locally made wood and leather products, gift items, and other small retail products. Zoned: Historic Commercial (HC)

*Staff provided a brief review of this request, explaining that the applicant (Commissioner Prieto’s brother) would be operating a retail business selling various items out of a building that he will share with Commissioner Prieto. The structure has historically been used for retail sales. There were no issues. There were no issues. A motion was made by Commissioner Nevarez and seconded by Commissioner Houston to approve the request, and the request was APPROVED by a vote of 4 – 0. (Commissioner Prieto recused himself from voting on the case.)*

#### **VI. PZHAC/STAFF COMMENTS**

*Commissioner Prieto*

*Stated that the PZHAC and the BOT need to have a joint meeting in order to coordinate their interpretation of the Code.*

*Commissioner Salas*

*Agreed with Commissioner Prieto and stated that the BOT needs to address legal non-conforming issues concerning non-conforming lots.*

*Commissioner Nevarez*

*Stated that the PZHAC needs direction from the BOT.*

#### **VII. ADJOURNMENT**

*The meeting was adjourned at 4:57 pm.*

#### **NOTICE**

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least 48 hours prior to the meeting.

Posted before 11:00 am on 9/18/20 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty’s Food Mart - 2290 Avenida de Mesilla; Ristramn Chile Co. - 2531 Avenida de Mesilla and the U.S. Post Office - 2253 Calle de Parian.